

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL ACTION NO. 03-10218-RGS

UNITED STATES

v.

RANDY HOLLEY

ORDER ON DEFENDANT'S
MOTION TO REDUCE SENTENCE

June 17, 2011

STEARNS, D.J.

In his motion, defendant Randy Holley seeks a reduction of 38 months in his original career offender sentence of 188 months (imposed on March 16, 2005). The basis for the motion is a subsequent decision of the First Circuit, *United States v. Holloway*, 630 F.3d 252 (1st Cir. 2011), responding to the Supreme Court's decision in *Johnson v. United States*, 130 S. Ct. 1265 (2010). *Johnson* overturned the prior understanding of battery as a categorically violent offense, thus lopping off the third leg of the stool on which Holley's career offender classification rested. Had the court anticipated *Johnson* and *Holloway*, as well as the efforts Holley has made at rehabilitation since beginning his sentence, it would have imposed the 150-month sentence Holley now seeks. Therefore, the motion for reduction of sentence will be ALLOWED.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE